

SECOND REGULAR SESSION

SENATE BILL NO. 1254

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS SHIELDS, KOSTER, CROWELL, GIBBONS, GOODMAN, BARTLE, PURGASON,
CLEMENS, SCOTT, KLINDT, VOGEL, RIDGEWAY, LOUDON, GRIESHEIMER, NODLER, ENGLER,
BARNITZ, STOUFFER, CAUTHORN, GROSS, ALTER, MAYER, CHAMPION, WHEELER, GREEN,
CALLAHAN AND KENNEDY.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5465S.021

AN ACT

To repeal sections 105.473, 130.032, and 130.046, RSMo, and to enact in lieu thereof
three new sections relating to ethics.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 105.473, 130.032, and 130.046, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 105.473,
3 130.032, and 130.046, to read as follows:

105.473. 1. Each lobbyist shall, not later than five days after beginning
2 any activities as a lobbyist, file standardized registration forms, verified by a
3 written declaration that it is made under the penalties of perjury, along with a
4 filing fee of ten dollars, with the commission. The forms shall include the
5 lobbyist's name and business address, the name and address of all persons such
6 lobbyist employs for lobbying purposes, the name and address of each lobbyist
7 principal by whom such lobbyist is employed or in whose interest such lobbyist
8 appears or works. The commission shall maintain files on all lobbyists' filings,
9 which shall be open to the public. Each lobbyist shall file an updating statement
10 under oath within one week of any addition, deletion, or change in the lobbyist's
11 employment or representation. The filing fee shall be deposited to the general
12 revenue fund of the state. The lobbyist principal or a lobbyist employing another
13 person for lobbying purposes may notify the commission that a judicial, executive
14 or legislative lobbyist is no longer authorized to lobby for the principal or the
15 lobbyist and should be removed from the commission's files.

16 2. Each person shall, before giving testimony before any committee of the
17 general assembly, give to the secretary of such committee such person's name and

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is
intended to be omitted in the law.**

18 address and the identity of any lobbyist or organization, if any, on whose behalf
19 such person appears. A person who is not a lobbyist as defined in section 105.470
20 shall not be required to give such person's address if the committee determines
21 that the giving of such address would endanger the person's physical health.

22 3. (1) During any period of time in which a lobbyist continues to act as
23 an executive lobbyist, judicial lobbyist or a legislative lobbyist, the lobbyist shall
24 file with the commission on standardized forms prescribed by the commission
25 monthly reports which shall be due at the close of business on the tenth day of
26 the following month;

27 (2) Each report filed pursuant to this subsection shall include a
28 statement, verified by a written declaration that it is made under the penalties
29 of perjury, setting forth the following:

30 (a) The total of all expenditures by the lobbyist or his or her lobbyist
31 principals made on behalf of all public officials, their staffs and employees, and
32 their spouses and dependent children, which expenditures shall be separated into
33 at least the following categories by the executive branch, judicial branch and
34 legislative branch of government: printing and publication expenses; media and
35 other advertising expenses; [travel; entertainment;] honoraria; meals, food and
36 beverages; and gifts;

37 (b) An itemized listing of the name of the recipient and the nature and
38 amount of each expenditure by the lobbyist or his or her lobbyist principal,
39 including a service or anything of value, for all expenditures made during any
40 reporting period, paid or provided to or for a public official, such official's staff,
41 employees, spouse or dependent children;

42 (c) The total of all expenditures made by a lobbyist or lobbyist principal
43 for occasions and the identity of the group invited, the date and description of the
44 occasion and the amount of the expenditure for each occasion when any of the
45 following are invited in writing:

46 a. All members of the senate;

47 b. All members of the house of representatives;

48 c. All members of a joint committee of the general assembly or a standing
49 committee of either the house of representatives or senate; or

50 d. All members of a caucus of the [general assembly if the caucus consists
51 of at least ten members, a list of the members of the caucus has been previously
52 filed with the ethics committee of the house or the senate, and such list has been
53 approved by either of such ethics committees] **majority party of the house of**

54 **representatives, minority party of the house of representatives,**
55 **majority party of the senate, minority party of the senate;**

56 (d) Any expenditure made on behalf of a public official, or the public
57 official's staff, employees, spouse or dependent children, if such expenditure is
58 solicited by such public official, the public official's staff, employees, or spouse or
59 dependent children, from the lobbyist or his or her lobbyist principals and the
60 name of such person or persons, except any expenditures made to any
61 not-for-profit corporation, charitable, fraternal or civic organization or other
62 association formed to provide for good in the order of benevolence;

63 (e) A statement detailing any direct business relationship or association
64 or partnership the lobbyist has with any public official.

65 The reports required by this subdivision shall cover the time periods since the
66 filing of the last report or since the lobbyist's employment or representation
67 began, whichever is most recent.

68 4. No expenditure [reported pursuant to this section shall include any
69 amount expended by a lobbyist or lobbyist principal on himself or herself. All
70 expenditures disclosed pursuant to this section shall be valued on the report at
71 the actual amount of the payment made, or the charge, expense, cost, or
72 obligation, debt or bill incurred by the lobbyist or the person the lobbyist
73 represents. Whenever a lobbyist principal employs more than one lobbyist,
74 expenditures of the lobbyist principal shall not be reported by each lobbyist, but
75 shall be reported by one of such lobbyists] **shall be made on behalf of a**
76 **public official, or the public official's staff, employees, spouse, or**
77 **dependent children for travel or lodging either inside or outside the**
78 **state of Missouri or for any tickets for any type of entertainment unless**
79 **such travel, lodging, or entertainment was approved prior to the date**
80 **of the expenditure by the administration committee of the house or**
81 **senate.**

82 5. Any lobbyist principal shall provide in a timely fashion whatever
83 information is reasonably requested by the lobbyist principal's lobbyist for use in
84 filing the reports required by this section.

85 6. All information required to be filed pursuant to the provisions of this
86 section with the commission shall be kept available by the executive director of
87 the commission at all times open to the public for inspection and copying for a
88 reasonable fee for a period of five years from the date when such information was
89 filed.

90 7. No person shall knowingly employ any person who is required to
91 register as a registered lobbyist but is not registered pursuant to this
92 section. Any person who knowingly violates this subsection shall be subject to a
93 civil penalty in an amount of not more than ten thousand dollars for each
94 violation. Such civil penalties shall be collected by action filed by the
95 commission.

96 8. No lobbyist shall knowingly omit, conceal, or falsify in any manner
97 information required pursuant to this section.

98 9. The prosecuting attorney of Cole County shall be reimbursed only out
99 of funds specifically appropriated by the general assembly for investigations and
100 prosecutions for violations of this section.

101 10. Any public official or other person whose name appears in any lobbyist
102 report filed pursuant to this section who contests the accuracy of the portion of
103 the report applicable to such person may petition the commission for an audit of
104 such report and shall state in writing in such petition the specific disagreement
105 with the contents of such report. The commission shall investigate such
106 allegations in the manner described in section 105.959. If the commission
107 determines that the contents of such report are incorrect, incomplete or
108 erroneous, it shall enter an order requiring filing of an amended or corrected
109 report.

110 11. The commission shall provide a report listing the total spent by a
111 lobbyist for the month and year to any member or member-elect of the general
112 assembly, judge or judicial officer, or any other person holding an elective office
113 of state government on or before the twentieth day of each month. For the
114 purpose of providing accurate information to the public, the commission shall not
115 publish information in either written or electronic form for ten working days after
116 providing the report pursuant to this subsection. The commission shall not
117 release any portion of the lobbyist report if the accuracy of the report has been
118 questioned pursuant to subsection 10 of this section unless it is conspicuously
119 marked "Under Review".

120 12. Each lobbyist or lobbyist principal by whom the lobbyist was
121 employed, or in whose behalf the lobbyist acted, shall provide a general
122 description of the proposed legislation or action by the executive branch or
123 judicial branch which the lobbyist or lobbyist principal supported or opposed.

124 This information shall be supplied to the commission on March fifteenth and
125 May thirtieth of each year.

130.032. 1. In addition to the limitations imposed pursuant to section
2 130.031, the amount of contributions made by or accepted from any person other
3 than the candidate in any one election shall not exceed the following:

4 (1) To elect an individual to the office of governor, lieutenant governor,
5 secretary of state, state treasurer, state auditor or attorney general, one thousand
6 dollars;

7 (2) To elect an individual to the office of state senator, five hundred
8 dollars;

9 (3) To elect an individual to the office of state representative, two hundred
10 fifty dollars;

11 (4) To elect an individual to any other office, including judicial office, if
12 the population of the electoral district, ward, or other unit according to the latest
13 decennial census is under one hundred thousand, two hundred fifty dollars;

14 (5) To elect an individual to any other office, including judicial office, if
15 the population of the electoral district, ward, or other unit according to the latest
16 decennial census is at least one hundred thousand but less than two hundred fifty
17 thousand, five hundred dollars; and

18 (6) To elect an individual to any other office, including judicial office, if
19 the population of the electoral district, ward, or other unit according to the latest
20 decennial census is at least two hundred fifty thousand, one thousand dollars.

21 2. For purposes of this subsection "base year amount" shall be the
22 contribution limits prescribed in this section on January 1, 1995. Such limits
23 shall be increased on the first day of January in each even-numbered year by
24 multiplying the base year amount by the cumulative consumer price index, as
25 defined in section 104.010, RSMo, and rounded to the nearest twenty-five-dollar
26 amount, for all years since January 1, 1995.

27 3. Candidate committees, exploratory committees, campaign committees
28 and continuing committees, other than those continuing committees which are
29 political party committees, shall be subject to the limits prescribed in subsection
30 1 of this section. The provisions of this subsection shall not limit the amount of
31 contributions which may be accumulated by a candidate committee and used for
32 expenditures to further the nomination or election of the candidate who controls
33 such candidate committee, except as provided in section 130.052.

34 4. Except as limited by this subsection, the amount of cash contributions,
35 and a separate amount for the amount of in-kind contributions, made by or
36 accepted from a political party committee, **with the exception of legislative**

37 **political party committees**, in any one election shall not exceed the following:

38 (1) To elect an individual to the office of governor, lieutenant governor,
39 secretary of state, state treasurer, state auditor or attorney general, ten thousand
40 dollars;

41 (2) To elect an individual to the office of state senator, five thousand
42 dollars;

43 (3) To elect an individual to the office of state representative, two
44 thousand five hundred dollars; and

45 (4) To elect an individual to any other office of an electoral district, ward
46 or unit, ten times the allowable contribution limit for the office sought.

47 The amount of contributions which may be made by or accepted from a political
48 party committee in the primary election to elect any candidate who is unopposed
49 in such primary shall be fifty percent of the amount of the allowable contributions
50 as determined in this subsection.

51 **5. Any legislative political party committee shall not make**
52 **contributions to any candidate for the house of representatives, senate,**
53 **or a statewide office.**

54 **6.** Contributions from persons under fourteen years of age shall be
55 considered made by the parents or guardians of such person and shall be
56 attributed toward any contribution limits prescribed in this chapter. Where the
57 contributor under fourteen years of age has two custodial parents or guardians,
58 fifty percent of the contribution shall be attributed to each parent or guardian,
59 and where such contributor has one custodial parent or guardian, all such
60 contributions shall be attributed to the custodial parent or guardian.

61 [6.] **7.** Contributions received and expenditures made prior to January
62 1, 1995, shall be reported as a separate account and pursuant to the laws in effect
63 at the time such contributions are received or expenditures made. Contributions
64 received and expenditures made after January 1, 1995, shall be reported as a
65 separate account from the aforementioned account and pursuant to the provisions
66 of this chapter. The account reported pursuant to the prior law shall be retained
67 as a separate account and any remaining funds in such account may be used
68 pursuant to this chapter and section 130.034.

69 [7.] **8.** Any committee which accepts or gives contributions other than
70 those allowed shall be subject to a surcharge of one thousand dollars plus an
71 amount equal to the contribution per nonallowable contribution, to be paid to the
72 ethics commission and which shall be transferred to the director of revenue, upon

73 notification of such nonallowable contribution by the ethics commission, and after
74 the candidate has had ten business days after receipt of notice to return the
75 contribution to the contributor. The candidate and the candidate committee
76 treasurer or deputy treasurer owing a surcharge shall be personally liable for the
77 payment of the surcharge or may pay such surcharge only from campaign funds
78 existing on the date of the receipt of notice. Such surcharge shall constitute a
79 debt to the state enforceable under, but not limited to, the provisions of chapter
80 143, RSMo.

81 **9. Any candidate for the house of representatives, senate, or a**
82 **statewide office shall not accept any contributions from the first**
83 **Wednesday after the first Monday in January through the thirtieth day**
84 **of May of each year. Candidates for special election to the house of**
85 **representatives, senate, or statewide office may accept contributions**
86 **from the date of the candidates nomination by his or her respective**
87 **political party until the date of the election.**

130.046. 1. The disclosure reports required by section 130.041 for all
2 committees shall be filed as follows: **each candidate for state**
3 **representative, state senate, or statewide office shall file the disclosure**
4 **reports required by section 130.041 on the last day of each month for**
5 **a period closing on the twenty-fifth day of the month until twenty-one**
6 **days prior to the election, then the report shall be filed every twenty-**
7 **four hours. All other committees and candidates shall file at the**
8 following times and for the following periods:

9 (1) Not later than the eighth day before an election for the period closing
10 on the twelfth day before the election if the committee has made any contribution
11 or expenditure either in support or opposition to any candidate or ballot measure;

12 (2) Not later than the thirtieth day after an election for a period closing
13 on the twenty-fifth day after the election, if the committee has made any
14 contribution or expenditure either in support of or opposition to any candidate or
15 ballot measure; except that, a successful candidate who takes office prior to the
16 twenty-fifth day after the election shall have complied with the report
17 requirement of this subdivision if a disclosure report is filed by such candidate
18 and any candidate committee under the candidate's control before such candidate
19 takes office, and such report shall be for the period closing on the day before
20 taking office; and

21 (3) Not later than the fifteenth day following the close of each calendar

22 quarter.

23 Notwithstanding the provisions of this subsection, if any committee accepts
24 contributions or makes expenditures in support of or in opposition to a ballot
25 measure or a candidate, and the report required by this subsection for the most
26 recent calendar quarter is filed prior to the fortieth day before the election on the
27 measure or candidate, the committee shall file an additional disclosure report not
28 later than the fortieth day before the election for the period closing on the
29 forty-fifth day before the election.

30 2. In the case of a ballot measure to be qualified to be on the ballot by
31 initiative petition or referendum petition, or a recall petition seeking to remove
32 an incumbent from office, disclosure reports relating to the time for filing such
33 petitions shall be made as follows:

34 (1) In addition to the disclosure reports required to be filed pursuant to
35 subsection 1 of this section the treasurer of a committee, other than a continuing
36 committee, supporting or opposing a petition effort to qualify a measure to appear
37 on the ballot or to remove an incumbent from office shall file an initial disclosure
38 report fifteen days after the committee begins the process of raising or spending
39 money. After such initial report, the committee shall file quarterly disclosure
40 reports as required by subdivision (3) of subsection 1 of this section until such
41 time as the reports required by subdivisions (1) and (2) of subsection 1 of this
42 section are to be filed. In addition the committee shall file a second disclosure
43 report no later than the fifteenth day after the deadline date for submitting such
44 petition. The period covered in the initial report shall begin on the day the
45 committee first accepted contributions or made expenditures to support or oppose
46 the petition effort for qualification of the measure and shall close on the fifth day
47 prior to the date of the report;

48 (2) If the measure has qualified to be on the ballot in an election and if
49 a committee subject to the requirements of subdivision (1) of this subsection is
50 also required to file a preelection disclosure report for such election any time
51 within thirty days after the date on which disclosure reports are required to be
52 filed in accordance with subdivision (1) of this subsection, the treasurer of such
53 committee shall not be required to file the report required by subdivision (1) of
54 this subsection, but shall include in the committee's preelection report all
55 information which would otherwise have been required by subdivision (1) of this
56 subsection.

57 3. The candidate, if applicable, treasurer or deputy treasurer of a

58 committee shall file disclosure reports pursuant to this section, except for any
59 calendar quarter in which the contributions received by the committee or the
60 expenditures or contributions made by the committee do not exceed five hundred
61 dollars. The reporting dates and periods covered for such quarterly reports shall
62 not be later than the fifteenth day of January, April, July and October for periods
63 closing on the thirty-first day of December, the thirty-first day of March, the
64 thirtieth day of June and the thirtieth day of September. No candidate, treasurer
65 or deputy treasurer shall be required to file the quarterly disclosure report
66 required not later than the fifteenth day of any January immediately following
67 a November election, provided that such candidate, treasurer or deputy treasurer
68 shall file the information required on such quarterly report on the quarterly
69 report to be filed not later than the fifteenth day of April immediately following
70 such November election. Each report by such committee shall be cumulative from
71 the date of the last report. In the case of the continuing committee's first report,
72 the report shall be cumulative from the date of the continuing committee's
73 organization. Every candidate, treasurer or deputy treasurer shall file, at a
74 minimum, the campaign disclosure reports covering the quarter immediately
75 preceding the date of the election and those required by subdivisions (1) and (2)
76 of subsection 1 of this section. A continuing committee shall submit additional
77 reports if it makes aggregate expenditures, other than contributions to a
78 committee, of five hundred dollars or more, within the reporting period at the
79 following times for the following periods:

80 (1) Not later than the eighth day before an election for the period closing
81 on the twelfth day before the election;

82 (2) Not later than forty-eight hours after aggregate expenditures of five
83 hundred dollars or more are made after the twelfth day before the election; and

84 (3) Not later than the thirtieth day after an election for a period closing
85 on the twenty-fifth day after the election.

86 4. The reports required to be filed no later than the thirtieth day after an
87 election and any subsequently required report shall be cumulative so as to reflect
88 the total receipts and disbursements of the reporting committee for the entire
89 election campaign in question. The period covered by each disclosure report shall
90 begin on the day after the closing date of the most recent disclosure report filed
91 and end on the closing date for the period covered. If the committee has not
92 previously filed a disclosure report, the period covered begins on the date the
93 committee was formed; except that in the case of a candidate committee, the

94 period covered begins on the date the candidate became a candidate according to
95 the definition of the term candidate in section 130.011.

96 5. Notwithstanding any other provisions of this chapter to the contrary:

97 (1) Certain disclosure reports pertaining to any candidate who receives
98 nomination in a primary election and thereby seeks election in the immediately
99 succeeding general election shall not be required in the following cases:

100 (a) If there are less than fifty days between a primary election and the
101 immediately succeeding general election, the disclosure report required to be filed
102 quarterly; provided that, any other report required to be filed prior to the primary
103 election and all other reports required to be filed not later than the eighth day
104 before the general election are filed no later than the final dates for filing such
105 reports;

106 (b) If there are less than eighty-five days between a primary election and
107 the immediately succeeding general election, the disclosure report required to be
108 filed not later than the thirtieth day after the primary election need not be filed;
109 provided that any report required to be filed prior to the primary election and any
110 other report required to be filed prior to the general election are filed no later
111 than the final dates for filing such reports; and

112 (2) No disclosure report needs to be filed for any reporting period if during
113 that reporting period the committee has neither received contributions
114 aggregating more than five hundred dollars nor made expenditure aggregating
115 more than five hundred dollars and has not received contributions aggregating
116 more than three hundred dollars from any single contributor and if the
117 committee's treasurer files a statement with the appropriate officer that the
118 committee has not exceeded the identified thresholds in the reporting
119 period. Any contributions received or expenditures made which are not reported
120 because this statement is filed in lieu of a disclosure report shall be included in
121 the next disclosure report filed by the committee. This statement shall not be
122 filed in lieu of the report for two or more consecutive disclosure periods if either
123 the contributions received or expenditures made in the aggregate during those
124 reporting periods exceed five hundred dollars. This statement shall not be filed,
125 in lieu of the report, later than the thirtieth day after an election if that report
126 would show a deficit of more than one thousand dollars.

127 6. (1) If the disclosure report required to be filed by a committee not later
128 than the thirtieth day after an election shows a deficit of unpaid loans and other
129 outstanding obligations in excess of five thousand dollars, semiannual

130 supplemental disclosure reports shall be filed with the appropriate officer for each
131 succeeding semiannual period until the deficit is reported in a disclosure report
132 as being reduced to five thousand dollars or less; except that, a supplemental
133 semiannual report shall not be required for any semiannual period which includes
134 the closing date for the reporting period covered in any regular disclosure report
135 which the committee is required to file in connection with an election. The
136 reporting dates and periods covered for semiannual reports shall be not later than
137 the fifteenth day of January and July for periods closing on the thirty-first day
138 of December and the thirtieth day of June;

139 (2) Committees required to file reports pursuant to subsection 2 or 3 of
140 this section which are not otherwise required to file disclosure reports for an
141 election shall file semiannual reports as required by this subsection if their last
142 required disclosure report shows a total of unpaid loans and other outstanding
143 obligations in excess of five thousand dollars.

144 7. In the case of a committee which disbands and is required to file a
145 termination statement pursuant to the provisions of section 130.021 with the
146 appropriate officer not later than the tenth day after the committee was
147 dissolved, the candidate, committee treasurer or deputy treasurer shall attach to
148 the termination statement a complete disclosure report for the period closing on
149 the date of dissolution. A committee shall not utilize the provisions of subsection
150 8 of section 130.021 or the provisions of this subsection to circumvent or
151 otherwise avoid the reporting requirements of subsection 6 or 7 of this section.

152 8. Disclosure reports shall be filed with the appropriate officer not later
153 than 5:00 p.m. prevailing local time of the day designated for the filing of the
154 report and a report postmarked not later than midnight of the day previous to the
155 day designated for filing the report shall be deemed to have been filed in a timely
156 manner. The appropriate officer may establish a policy whereby disclosure
157 reports may be filed by facsimile transmission.

158 **9. Each candidate for the office of state representative, state**
159 **senator, and for statewide office shall file all disclosure reports**
160 **described in section 130.041 electronically with the Missouri ethics**
161 **commission. The Missouri ethics commission will promulgate rules**
162 **establishing the standard for use with electronic filings with the**
163 **commission and will propose such rules of all the importation of files**
164 **to the reporting program.**

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